Call to Order:

The meeting was called to order at 7:37 p.m. Present were Chairman, Paul Salafia, and members, Linn Anderson, Vincent Chiozzi (arrived at 7:40 p.m.), Joan Duff, John McDonnell (arrived at 7:56 p.m.) and associate member Mark Yanowitz; also present was Paul Materazzo, Director of Planning and Jacki Byerley, Planner.

Pine Forest Park:

The Board opened the public hearings that were continued from the May 11th meeting, on an application by Angelo Petrosino for a Definitive Subdivision Plan and a Special Permit for Earth Movement associated with an 11-lot subdivision entitled Pine Forest Park. On a motion by Ms. Anderson seconded by Mr. Yanowitz the Board voted to continue the public hearings on an application by Angelo Petrosino for a Definitive Subdivision Plan and a Special Permit for Earth Movement associated with an 11-lot subdivision entitled Pine Forest Park without discussion until the full Board is present this evening. **Vote** Unanimous (4-0)

Cassimere Street:

Ms. Byerley reviewed her memo to the Board dated June 18, 2010. On a motion by Ms. Anderson seconded Ms. Duff the Board voted to reduce the performance guarantee for Cassimere Street to a zero balance. **Vote** Unanimous (5-0)

Woodman Ridge Road:

Ms. Byerley reviewed her memo to the Board dated June 18, 2010. On a motion by Ms. Anderson seconded by Ms. Duff the Board voted to reduce the performance guarantee for Woodman Ridge Road to a zero balance. **Vote** Unanimous (5-0)

Monette Circle:

Ms. Byerley reviewed her memo to the Board dated May 25, 2010 and June 17, 2010. On a motion by Ms. Anderson seconded by Ms. Duff the Board voted to set the performance guarantee for Monette Circle, which will serve four (4-lots) in the amount of \$39,600.00; and the Board further accepted the letter of Credit issued by Stoneham Savings Bank. No Clearance Certificates will be issued until the relevant conditions of approval have been completed. **Vote** Unanimous (5-0)

Faith Lutheran Church:

The Board took up the deliberation that was continued from the May 25th meeting on an application by Faith Lutheran Church of Andover, Inc. for a Site Plan Review for the construction of an addition to the existing facility located at 360 South Main Street. Ms. Byerley reviewed her memo to the Board dated June 16, 2010, the Board's previous meeting on May 25th and the Conservation Commission's conditions of approval. Ms. Byerley noted that all stormwater management is being completed during phase I of the project. The Board reviewed Ms. Byerley's memo dated June 16, 2010, which included draft conditions and they also discussed Dover Uses and procedures. On a motion by Ms. Anderson seconded Mr. Chiozzi the Board voted to recommend approval of an application by Faith Lutheran Church of Andover, Inc. for a Site Plan Review for the construction of an addition to the existing facility located at 360 South Main Street to the Inspector of Buildings subject to the 14 conditions outlined in Ms.

Faith Lutheran Church (cont.):

Byerley memo to the Board dated June 16, 2010, with an amendment to condition # 13 in the first sentence deleting the words "any phase of the project"; and delete the word "Board" in the same sentence and add "Inspector of Buildings". **Vote** Unanimous (5-0)

Pine Forest Park:

The Board reopened the public hearings which had been continued without discussion earlier in the evening, on an application by Angelo Petrosino for a Definitive Subdivision Plan and a Special Permit for Earth Movement associated with an 11-lot subdivision entitled Pine Forest Park. Ms. Byerley reviewed her memo to the Board dated June 14, 2010 which included the Board's previous meeting and Ms. Byerley's request to receive the plans by June 11th; however the applicant submitted the plans on June 17th. Luke Roy, of O'Neill Associates representing the applicant, noted that the revised plans have incorporated all DPW's and the Fire Protection peer reviewer's concerns. He also noted that they are on the MASS DOT docket this week. Chairman Salafia stated that he has submitted his resignation from the Planning Board, but will stay on the Board until the Pine Forest public hearings are closed. He noted that the Pine Forest application has been before the Board for over a year and suggested the applicant might consider withdrawing their applications without prejudice. Attorney Thomas Mullen, representing the applicant, stated that they feel they are close to wrapping up; the plans comply with the Rules and Regulations and they are waiting for the Highway Commissioner. Attorney Mullen requested an extension for one month, after which, if the plans are not acceptable they will withdraw their applications. The Board discussed the withdrawal process and the possibility of constructive approval. The applicant, Angelo Petrosino, stated he has spoken with the State and they will be making a decision this week. Ms. Byerley noted that they are not just waiting for State approval but all the other Town departments' concerns must be satisfied as well. Board noted that applicant has until July 13th to resolve any outstanding issues. By that date, even if outstanding issues remain, the Board will close and vote, or entertain a request for withdrawal by the applicant. On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to continue the public hearings on an application by Angelo Petrosino for a Definitive Subdivision Plan and a Special Permit for Earth Movement associated with an 11-lot subdivision entitled Pine Forest Park until July 13th at 8:15 p.m. **Vote** Unanimous (5-0)

Sunnybrook Circle:

The Board opened the public hearing on a petition submitted by the property owner, Mohammed Khusro, to rescind a subdivision approval for the Sunnybrook Circle subdivision approved by the Board on June 19, 1978. Ms. Byerley reviewed her memo to the Board dated June 14, 2010. The Board reviewed Ms. Byerley's memo and asked if the property has been sold or if this request is from the original applicant. Ms. Byerley stated that Mr. Khusro was the original applicant.

On a motion by Ms. Anderson, seconded by Mr. McDonnell, the Board closed the public hearing on a petition submitted by the property owner Mohammed Khusro to rescind a subdivision approval for the Sunnybrook Circle subdivision approved by the Board on June 19, 1978. **Vote** Unanimous (5-0)

On a motion by Ms. Anderson, seconded by Mr. McDonnell, the Board voted to approve the applicant's request to rescind the Board's previous definitive approval on June 19, 1978 for

Sunnybrook Circle (cont.):

Sunnybrook Circle in accordance with the request of the property owner of the subject property, and pursuant to MGL, Ch. 41, Sec. 81W. Rescission of the Board's 1978 approval shall have the effect of voiding the plan and the restrictions currently on file at the North Essex Registry of Deeds, the same being recorded as plan number 7900, and the restrictions in Book 1349 and page 21. **Vote** Unanimous (5-0)

Merrimack Estates:

The Board took up the discussion on a request to waive the construction of a sidewalk along River Road by the developer of Merrimack Estates. Kenneth Lania of K & M Land Consultants, LLC, representing the applicant, gave an overview of the developer's request to waive the construction of 350' of sidewalk at the end of the subdivision roadway to Melmark School. Mr. Lania noted there are no other sidewalks along River Road, and he reviewed the work that has taken place in the subdivision thus far including the construction of under drain that DPW requested in the field. Chairman Salafia noted that the Board waived the sidewalk requirements within the subdivision. Mr. Lania noted the developer does not want to waste money on a sidewalk no one will use. Ms. Byerley reviewed her memo to the board dated June 16, 2010, and the original conditions of approval. She noted that the drainage has not changed but the under drain was required by DPW due to field conditions. Ms. Byerley stated there is not another sidewalk on River Rd until after Route 93 and noted sidewalks are needed on River Rd. Ms. Duff stated that sidewalks are needed on River Rd. She noted that Avalon Bay is being developed on River Rd. and this could be the start of sidewalks along River Rd. Mr. Chiozzi asked to review the original conditions of approval and the minutes of the meeting at which the sidewalk waiver was discussed. Mr. Lania noted that Verizon has a HUB with bollards in the right-of-way which can't be moved and it would be costly to install the sidewalk in that area. Ms. Byerley noted that the developer and their engineer were aware of that HUB when they agreed to the installation of the sidewalk along River Rd.

The Board agreed to continue the discussion until their next meeting.

It should be noted Ms. Duff left to room after the discussion for Merrimack Estates.

Revnolds Street:

Ms. Byerley reviewed her memo to the Board dated June 22, 2010. Ms. Byerley noted that the plan and the conditions have to be recorded in order for the Reynolds Street subdivision to legally exist, and the subdivision must legally exist before the Town is able to enforce any violations of the conditions of approval. Ms. Anderson expressed concerns that even though the plans have not changed, the conditions on the ground have changed. Ms. Byerley noted that the end result will be that the subdivision will be built according to the approved plan. The Board discussed the reaffirmation, zoning and grandfathering. Mr. Materazzo noted that the reaffirmation is for the sole purpose of recordation. Some Board members expressed concerns regarding the private way and the right of abutters to re-pass. The Board asked for Town Counsel's opinion about the reaffirmation. Mr. McDonnell noted that the developer cannot start construction of the subdivision until the plan is recorded. William Johnson, the developer, stated the roadway has to be built according to the Board's conditions of approval before he can obtain

Reynolds Street (cont.):

a building permit. The Board discussed the reaffirmation process and was in consensus to continue the discussion until the July 13th meeting.

It should be noted Ms. Duff returned to the meeting after the discussion on Reynolds St.

Form Base Code Project:

Mr. Materazzo reviewed the Tri-Town Planning Board meeting held on June 8th and noted that comments on the Form Base Code must be submitted by July 20th. Mr. Materazzo reviewed his memo to the Board dated June 15th which included a map of the proposed site and reviewed a Power Point Presentation outlining the Form Base Code. Mr. Yanowitz noted that he understands the process and how they determine the uses but the parameters of those Use Districts need to be defined. Kerry O'Kelly a member of the Lowell Junction Interchange Task Force noted that the parameters were defined by discussions with the stake holders and evolved from those discussions. Mr. Materazzo reviewed the Use Table and character districts. The Board discussed the Use Table and questioned why residential units were not available in all districts. Mr. Materazzo noted that the businesses are not opposed to residential use, but it has to be in harmony with the businesses. Chairman Salafia noted that we have to start with a vision and it can be changed along the way if need be and expressed concern how this can affect the Downtown area if not properly drafted. Mr. Materazzo noted that any applicant would be required to submit a market analysis and identify any potential impacts to local retail, office, etc. The code as drafted would allow the Board to further safeguard our existing downtown by requiring mitigation, which would be determined by the Planning Board at the time of review. The Board discussed the vision for the area, financing, and cost of construction. Mr. Materazzo noted that the Form Base Code will not be active without an interchange. The Board would like topics for discussion for the Form Base Code at their next meeting on July 13th.

Adjournment: The Board voted to adjourn the meeting at 10:00 p.m.